

# John Gahan, Sullivan & Worcester

## *The Team Player* By Mark Olshaker

If you're looking for one word to summarize John W. Gahan III's approach to affordable housing—and virtually every other important aspect of his life—that word would be teamwork. A close second would be *community*. From college sports, to serving on a local zoning board, to coaching his daughters' athletic teams, closing complicated housing deals, helping to create new legislation, speaking about Opportunity Zones, and serving on the NH&RA board, John's career is testament to his philosophy that a group of people with different perspectives and expertise can work for a common cause and accomplish a great deal.

For the past two decades, John's practice has focused on real estate acquisition, financing, management and development, principally involving the development and management of multifamily housing. In March 2018, he became a partner at Sullivan & Worcester, moving over from Murtha Cullina.

"NH&RA and the broader affordable housing and historic preservation community have benefitted immensely from John's leadership," says NH&RA Executive Director Thom Amdur. "He is a creative deal maker and a tireless advocate for his clients and the broader industry. John has been a champion for numerous NH&RA initiatives and, on a more personal note, a friend and mentor. At virtually every NH&RA conference, John organizes and moderates a panel discussion or speaks on a topic of current interest to our members. He has a knack for explaining complex issues in a down-to-earth, easy-to-understand and often humorous manner."

John recalls the first panel he moderated, after starting to attend NH&RA events with his dear friend and professional colleague, Larry Curtis of Winn Development. "The person scheduled to moderate had a family emergency. I was asked if I would fill in and said, 'Yes.' It was a panel with some of the big names in NH&RA on a subject I was unfamiliar with. I loved it. I listened, and I learned. The panelists performed as a team of very smart, committed people who came at a problem from different points of view. And the beneficiaries of our team effort were

the communities where we live and work."

That attitude is characteristic of John.

Born in Boston, he grew up in Gardner, in the north-central part of the state, where he attended public school. At Yale, John played on Division I teams in basketball and baseball. While he says he was not a star in either sport, "I loved the teams and what they represented, what we could do collectively if everyone had a role and performed the role well. I loved participating, being part of something constantly trying to get better."

And he assimilated another value at Yale. "I learned there, and have followed since, a feeling of public service that so many of my classmates had. That was part of the education we got and gave each other. The sense was when we left college, we might not all be performers on a big stage, but we could all pitch in and contribute in our neighborhoods."

Law school at Boston University "broadened my outlook even further. I got a job at a law firm, where I said 'yes' to whatever they asked me to do: divorce, landlord-tenant, bankruptcy, litigation, whatever was needed. Over time, I started representing landlords and developers in Boston and came to understand that both landlords and tenants come in all shapes and sizes and there is good and bad in each.

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which personal circumstances put a burden on a tenant, I would recommend to my landlord clients to treat the tenant as a fellow human being and give them a second chance. Most of the time, my clients went along. It's all a matter of being in a community and realizing you don't have to be in a war over everything. I developed a little bit of a reputation in housing court. Often, the chief justice would ask my opponent, 'Have you sat down with Mr. Gahan? I've found him to be reasonable and creative in solving problems.'"

John recounts how he became involved in closing affordable housing transactions. "A complicated closing needed to occur. The partner who was supposed to handle it was pregnant, the closing was in another state and the weather prediction was terrible. I said I'd go. I might not have known as much as my partner, but I felt I knew how to get deals done. There were a number of attorneys involved, each arguing for their solution. I approached the closing as a function of learning what each party needed and negotiated to satisfy as many of those 'wants' as possible. Ultimately, compromise and collaboration worked."

When John and his wife Catherine, and their daughters Kelly and Kimberly (both now grown, have given them two grandchildren each), moved to Belmont, MA, he wanted to give back to his community. Land use was something he knew about, so he accepted an appointment to the board of zoning appeals, on which he remained for 25 years, most of that time as chairman. "We heard all kinds of cases, from neighbors doing simple renovations, to supermarket expansions, cluster developments, doggie daycare businesses, to a landmark case involving a Mormon temple. I felt like I was involved and contributing to the town where I lived."

Throughout his career, John has worked on numerous game-changing projects around the country, utilizing State and Federal Low Income Housing Tax Credits, Historic and Brownfields (environmental cleanup) Credits and various forms of HUD financing. He assisted in the drafting of Massachusetts' 2009 Chapter 40T legislation, a law intended to assist in preserving housing as affordable.

Recently, John has immersed himself in Opportunity Zones, speaking nationwide about this community-focused legislation. "Actually, my clients have been doing deals and investing in low-income areas before they were even called Opportunity Zones. I like being part of it – a lot of people coming together for a good result. What I do now with Ozones is a natural progression, an outgrowth, of things I do anyway. I understand the mission: making communities better for everyone."

The 40T legislation was another example of teamwork writ large. "It grew out of a concern relating to 'expiring use properties.' What would happen to affordable housing properties when public subsidies and/or use restrictions ended? Should residents ultimately be in charge of their own destiny? Should they have a right to buy the property from an owner, and, if so, where would they get the money? Could those developers who had stepped up and built the housing in the first place have it—or its economic value—taken away after years of doing the right thing?"

"We gathered a committee of attorneys representing developers and various tenant groups, as well as general counsel to the state housing agency, etc. One goal was to balance the rights of the people who had invested their money, time and lives in these developments, with the interests of people who lived in them and wanted to remain in affordable housing, centered on preservation when possible, but in any event, creating a process to inform stakeholders and give everyone the opportunity to formulate plans. We took time to get to know each other and find out what was important to each constituency. We went through draft after draft, realizing that to succeed, each side had to give a little. Core principles were not abandoned by either side, and a transparent process evolved. The result was a workable law with checks and balances; not perfect, but workable."

His summation is characteristic of John's approach: "40T works because a bunch of people who represented the various stakeholders got together and asked, 'How can we all get to 'yes?' I call that 'teamwork legislation.'" **TCA**